

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:04CR358
	)	
v.	)	
	)	
JEROME DANIELS,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on defendant's motion for an order directing that defendant receive grand jury transcripts in connection with this case (Filing No. 52). On August 19, 2004, an indictment was returned by the grand jury charging defendant in two counts with a conspiracy to distribute narcotics and the selling, distributing or dispensing of narcotics. He initially entered a plea of not guilty and subsequently, on October 18, 2004, entered a plea of guilty to Count II of the indictment. On that same day, a jury was selected and defendant went to trial on the charges contained in Count I of the indictment.

On October 19, 2004, the jury returned a verdict of guilty on Count I of the indictment. Subsequently, on February 4, 2005, a sentencing hearing was held. The defendant was sentenced to a term of two hundred forty (240) months on each of Counts I and II of the indictment, said terms to run concurrently. On February 7, 2005, defendant filed a notice of

appeal to the United States Court of Appeals for the Eighth Circuit (Filing No. 38), and on April 18, 2005, filed the current motion seeking grand jury transcripts and asking for an evidentiary hearing.

Federal Rule of Criminal Procedure 6(E)(ii) provides: "The Court may authorize disclosure . . . of a grand jury matter: (ii) at the request of a defendant who shows that a ground may exist to dismiss the indictment because of a matter that occurred before the grand jury." The defendant makes no showing of any grounds that would support the Court granting his motion for copies of grand jury transcripts. Grand jury matters are generally considered secret, and only under specific circumstances can that information be released. As defendant has made no showing which would justify releasing these transcripts, the Court finds defendant's motion should be denied. Accordingly,

IT IS ORDERED that defendant's motion for order for transcripts is denied.

DATED this 20<sup>th</sup> day of April, 2005.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court